

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES OF AMERICA FOR SEARCH
WARRANT FOR A DNA SAMPLE FROM
TIBA SAKURI CONLEY, DOB 4/13/89

Case No. _____

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____
16-1231TJS
JUN 14 2016

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

89

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
WARRANT TO SEARCH FOR DNA SAMPLE**

I, Joshua B. Rothman, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of **TIBA SAKURI CONLEY**, DOB 4/13/89 ("**CONLEY**") in order to retrieve saliva buccal swabs for deoxyribonucleic acid (DNA) testing. **CONLEY** is currently incarcerated at the Howard County Detention Center, 7301 Waterloo Road, Jessup, Maryland 20794.

2. I am a Special Agent with the Federal Bureau of Investigation and have been employed by said agency for a period of eight (8) years. Your Affiant is currently assigned to Safe Streets Cross Border Task Force. Since 2008, I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, narcotics, white collar crimes, search warrant applications, and various other crimes. Since June of 2015, I have been assigned to work on federal narcotics investigations on the Washington Field Office Safe Streets Task Force, a violent crime and gang task force. I have received basic and advanced interview and interrogation training conducted by John Reid and Associates, Advanced Counterterrorism Training by the FBI and attended the Basic Telecommunications Exploitation Program from the DEA. In the course of my training and experience, both on the Safe Streets

Task Force and my prior squad, I have become familiar with the methods and techniques associated with the distribution of narcotics, the laundering of drug proceeds, and the organization of drug conspiracies. I have actively participated in the purchase of various controlled substances by using confidential informants. I have participated in hundreds of hours of surveillance of drug traffickers and observed numerous "hand to hand" transactions. In the course of conducting these investigations, I have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses; conducting physical surveillance; conducting short-term and long-term narcotics and homicide investigations; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen register and caller identification system data; conducting court-authorized electronic surveillance; conducting court-authorized Title III wiretap investigations; and preparing and executing search warrants. Your Affiant has received training in drug recognition and interdiction, crime scene investigations, evidence collection, interviews and interrogation, forensic statement analysis, and cellular phone / electronic media searches.

3. Based upon the investigation, I believe that the facts set forth in this affidavit establish that there is probable cause to believe that within the District of Maryland and elsewhere, Tiba Sakuri Conley possessed a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1), and that the aforementioned constitutes sufficient probable cause to believe that evidence of the crime described in this affidavit will be found in or on the person to be searched (i.e., **CONLEY's** DNA).

PROBABLE CAUSE

4. On April 14, 2016, the Honorable Lisa Broten, Judge of Howard County District Court, issued a search warrant authorizing the search of 3016 Oak Green Court, Apartment C, Ellicott City, Maryland, for, among other things, controlled dangerous substances and paraphernalia; firearms and ammunition; cellular telephones; and proceeds of the sales of controlled dangerous substances.

5. On April 21, 2016, members of the Howard County Police Department executed the search warrant on 3016 Oak Green Court, Apartment C, Ellicott City, Maryland. Located inside of the apartment was **CONLEY**, the leaseholder of the apartment. A search of the apartment resulted in the seizure of one SKS assault rifle (serial number 604530), one DTI AR-15 assault rifle (serial number S030977), one Springfield XD45 (serial number 676779), one Master Piece Arms MAC-10 (serial number A12487); approximately 140 grams of a mixture of cocaine base and powder cocaine, in several baggies; and \$9,425 in cash.

6. A review of **CONLEY**'s criminal history reveals that **CONLEY** was previously convicted in the State of Maryland of Possession with Intent to Distribute a Controlled Substance (Cocaine Base), and is currently on probation supervision for that offense.

7. On April 21, 2016, a criminal complaint was issued by the Honorable Timothy J. Sullivan, charging **CONLEY** with Felon In Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1), and Possession With Intent to Distribute Cocaine and Cocaine Base, in violation of Title 18, United States Code, Section 841.

8. The Federal Bureau of Investigation's DNA Laboratory requires a known blood or buccal sample from the identified suspect (here, **CONLEY**), for a direct comparison to the DNA profile recovered from the evidence (if a profile can be recovered).

SUMMARY OF DNA BUCCAL SWABS

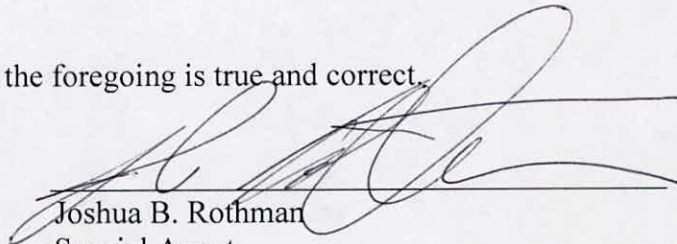
9. Each individual person has unique DNA, which creates a unique DNA pattern. DNA samples can be collected from a variety of sources, including a person's blood, saliva, semen, or tissue left on another person, surface, or item. When a DNA sample is received from an unknown source, the DNA profiled from that source can be compared to the DNA profile from a known DNA source. The comparison of the known and unknown DNA profiles can indicate whether the source of the known DNA sample is the person who left the unknown DNA sample on the surface where it was collected.

10. A buccal swab is a simple, non-invasive method for collecting a known DNA sample, requiring one or two painless swipes of the oral cavity with a sterile swab.

CONCLUSION

11. Based on the foregoing, I submit that there is probable cause to believe that a DNA buccal swab of **CONLEY** will assist in determining whether he may have touched, or otherwise had contact with, the seized firearms and ammunition. Therefore, I respectfully request that a search warrant be issued permitting law enforcement agents to take a buccal swab from **CONLEY**.

I declare under penalty of perjury that the foregoing is true and correct.


Joshua B. Rothman
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 6 day of May, 2016


HONORABLE TIMOTHY J. SULLIVAN
UNITED STATES MAGISTRATE JUDGE